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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,526	01/16/2004	Jose Damian Ramirez	075199.0102	5589
24735	7590	06/21/2007		
BAKER BOTTS LLP C/O INTELLECTUAL PROPERTY DEPARTMENT THE WARNER, SUITE 1300 1299 PENNSYLVANIA AVE, NW WASHINGTON, DC 20004-2400			EXAMINER SPISICH, MARK	
			ART UNIT 1744	PAPER NUMBER
			NOTIFICATION DATE 06/21/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/758,526	Applicant(s) RAMIREZ, JOSE DAMIAN	
	Examiner Mark Spisich	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 18 April 2007. These drawings are **NOT APPROVED** as they constitute **new matter**. Although the new drawings (Figs 4-6) help immensely with the understanding of the invention, they include numerous elements not even remotely shown in the drawings in the application as originally filed. In addition, there are specific structures and relationships between the elements which were not shown (and not described with sufficient specificity) in the application as originally filed.

Specification

2. The amendment filed 18 April 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: (1) In addition, the main gear (12), **which is driven by a drive gear a driven gear (15') engages a driven gear (5')** to provide rotation of the fixed roller (5) (paragraph 0024, lines 4-5); and (2) the motor (15) **comprises a drive gear (15') that engages the main gear (12)** to provide rotation during a wringing operation (paragraph 0025, lines 7-9).

Applicant is required to cancel the new matter in the reply to this Office Action.

Comment RE Claim 11

It is noted that "gears" (claim 11, line 2) was probably not meant to be deleted.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 24-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This is a “new matter” rejection. The only mention of any springs is on page 4 (lines 31-35). There is no support for the recitation in claim 24 (a new claim) of the particular spring and arrangement recited in lines 8-9 of claim 24.

5. Claims 1-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The written description and drawings (as originally filed) fail to adequately describe the present invention. This deficiency is significant in that many of the claimed elements of the invention were not shown in the drawings and the relationship between the main element of the invention is vague at best. Even in the instance where an element is broadly mentioned (eg, the spring), the specification is still required to describe the claimed invention in sufficient terms to enable one of ordinary skill to make

or use the invention. A mere list of the parts does not satisfy this requirement.

Applicant's attempt to overcome the enablement issue(s) relies almost entirely on subject matter unsupported by the application as originally filed. In summary, the specification and drawings (as originally filed) are, with respect to understanding the basic operation of the claimed invention, are very poor to the extent that the requirement of 112-1st paragraph are not met.

6. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are indefinite at least in part based on the poor written description and drawings. "Main gears" (claim 21, line 3) lacks antecedent. Applicant should review the claims for any additional informalities.

Response to Arguments

7. Applicant's arguments filed 18 April 2007 have been fully considered but they are not persuasive. With regard to the "written description" or "new matter" rejection of claims 24-27, it is noted that this application was filed on January 16, 2004. For applications filed before September 21, 2004, preliminary amendments filed on the date of filing the application must be referred to in the first executed oath or declaration. See MPEP 602, MPEP 608.04(b) and MPEP 714.01(e). Also, applicant just happens to mention in paragraph 0024 (as amended) that the arms supporting the roller are provided with the relevant springs. This does not support the recitation in claim 24 of "a pair of pressuring springs **are fitted into a pair of cavities, each of the cavities being formed within one of said arms**". With regard to the "enablement" rejection, applicant

essentially relies entirely on the new figures (4-6) added in the amendment filed 18 April 2007. These new figures differ from the originally filed drawings to the extent that one would not even recognize them as being the same invention. Mere references to elements (with insufficient specificity) in the written specification do not satisfy the requirement that the specification must be enabling to one of ordinary skill. One should not have to resort to guesswork as to how the invention is made or works. The new figures, although they go a long way to improving the understanding of the invention, constitute new matter.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mark Spisich
Primary Examiner
Art Unit 1744

MS